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August 26, 2021

By ECF

The Honorable John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Re: *Geller Biopharm, Inc. v. Amunix Pharmaceuticals, Inc.*, 20 Civ. 4334 (JPC)
Application to Redact Certain Portions of Oral Argument Transcript

Dear Judge Cronan:

We represent Defendant Amunix Pharmaceuticals, Inc. (“Amunix”) in this matter. Amunix respectfully seeks leave to redact certain portions of the August 18, 2021 oral argument transcript, in line with this Court’s prior sealing order issued November 10, 2020.

On November 10, 2020, Your Honor granted Amunix’s application to file under seal the Second FSA and any descriptions of its terms. (Dkt. No. 43). Your Honor found that the competitive harm that could result from disclosure of the confidential terms of that particular contract—harm not just to Amunix, but to Amunix’s contractual counter-party, Hoffman-La Roche Ltd. (“Roche”), which is not a party to this dispute—overcame the presumption of open records under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006), and that Amunix’s proposed redactions to the various filings that described the Second FSA’s terms were appropriately tailored. (Dkt. No. 43). For the same reasons, Your Honor granted Amunix’s subsequent request to file certain portions of its reply brief under seal. (Dkt. No. 47).

Upon review of the August 18, 2021 oral argument transcript, in which counsel for the parties referenced various aspects of the confidential Second FSA’s terms, and review of Amunix’s prior applications to seal and this Court’s November 10, 2020 order, Amunix moves to redact similar portions of the transcript directly quoting or otherwise describing the confidential terms of the Second FSA, for the same reasons previously described by Amunix and adopted by the Court. (Dkt. No. 39).

To effectuate this request, Amunix will submit a copy of the August 18, 2021 transcript with highlighted proposed redactions by email to Chambers, reflecting confidential terms of the Second FSA that have thus far been maintained as non-public pursuant to this Court’s prior order and that should, accordingly, be redacted here as well.

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We thank the Court for its attention to this request.

Respectfully submitted,

/s/ Michael A. Levy

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Counsel for Amunix Pharmaceuticals, Inc.

cc: Counsel for Plaintiff (by ECF)

Amunix's request to seal portions of the August 18, 2021, oral argument transcript is granted for the reasons previously articulated in the Court's November 10, 2020 Order. *See* Dkt. 43. Amunix shall file a redacted version of the transcript on the docket by September 2, 2021.

SO ORDERED.

Date: August 30, 2021
New York, New York



JOHN P. CRONAN
United States District Judge